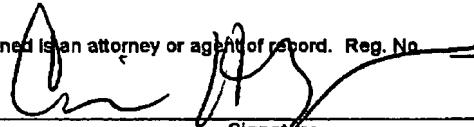
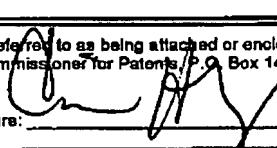


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PTO/SB/26 (04-07)

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TERMINAL DISCLAIMER TO OBLIGATE A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT		Docket Number (Optional) BGN-A013CN
<p>In re Application of: Jeffrey L. BROWNING <i>et al.</i></p> <p>Application No.: 10/003,211-Conf. #6970</p> <p>Filed: October 31, 2001</p> <p>For: SOLUBLE LYMPHOTOXIN-BETA RECEPTORS AS THERAPEUTIC AGENTS FOR THE TREATMENT OF SYSTEMIC LUPUS ERYTHEMATOSIS</p> <p>The owner, <u>Biogen Idec MA Inc.</u>, of <u>100</u> percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of prior patent No. <u>7,255,854</u> as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.</p> <p>In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:</p> <ul style="list-style-type: none"> <li>expires for failure to pay a maintenance fee;</li> <li>is held unenforceable;</li> <li>is found invalid by a court of competent jurisdiction;</li> <li>is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;</li> <li>has all claims canceled by a reexamination certificate;</li> <li>is reissued; or</li> <li>is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.</li> </ul> <p>Check either box 1 or 2 below, if appropriate.</p> <p>1. <input type="checkbox"/> For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.</p> <p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p> <p>2. <input checked="" type="checkbox"/> The undersigned is an attorney or agent of record. Reg. No. <u>55,281</u></p> <p> Signature</p> <p>August 16, 2007 Date</p> <p><u>Cristin E. Howley, Ph.D.</u> Typed or printed name</p> <p>(617) 994-0798 Telephone Number</p> <p><input checked="" type="checkbox"/> Terminal disclaimer fee under 37 CFR 1.20(d) is included.</p> <p>*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.</p> <p>08/20/2007 TNGUYEN2 00000046 10003211 04-EP-4044 170-00-00</p> <p>I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted by facsimile to the Patent and Trademark Office, facsimile no. (571) 273-8300 at Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.</p> <p>Dated: August 16, 2007 Signature:  (Cristin E. Howley, Ph.D.)</p>		

AUG 16 2007

Docket No.: BGNA013CN  
(PATENT)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Jeffrey L. Browning *et al.*

Application No.: 10/003211

Confirmation No.: 6970

Filed: October 31, 2001

Art Unit: 1642

For: *SOLUBLE LYMPHOTOXIN-BETA RECEPTORS  
AS THERAPEUTIC AGENTS FOR THE  
TREATMENT OF SYSTEMIC LUPUS  
ERYTHEMATOSIS*

Examiner: C. H. Yaen

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

SUBMISSION OF TERMINAL DISCLAIMER

Dear Sir:

In view of previous discussions with the Examiner regarding potential nonstatutory obviousness-type double patenting with respect to pending claims 55, 56, 59-62, and 64 of the instant application over claim 14 of U.S. Patent No. 7,255,854 (to which the instant application claims priority), Applicant hereby submits an executed terminal disclaimer in accordance with 37 C.F.R. 1.321(b) and (c). *The submission of the executed terminal disclaimer is not to be construed as an admission by the Applicant that the present claims are obvious over U.S. Patent No. 7,255,854.*

08/20/2007 TNGUYEN2 00000046 120080 10003211

01 FC:1814 130.00 DA

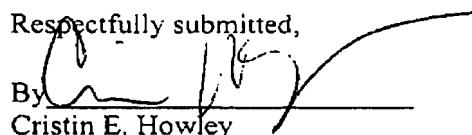
Application No.: 10/003211

Docket No.: BGNA013CN

Applicants submit herewith authorization to charge our Deposit Account No. 12-0080, under Order No. BGNA013CN from which the undersigned is authorized to draw for the fee associated with the terminal disclaimer under CFR 1.20(d). If any additional fee is due, please charge our Deposit Account No. 12-0080, under Order No. BGNA013CN from which the undersigned is authorized to draw.

Dated: August 16, 2007

Respectfully submitted,

By 

Cristin E. Howley

Registration No.: 55,281

LAHIVE &amp; COCKFIELD, LLP

One Post Office Square

Boston, Massachusetts 02109

(617) 227-7400

(617) 742-4214 (Fax)

Attorney For Applicant

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Application No. (If known): 10/003,211

Attorney Docket No.: BGN-A013CN

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<b>FEES TRANSMITTAL</b>				
<b>For FY 2007</b>				
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27				
TOTAL AMOUNT OF PAYMENT	(\$)	130.00	Attorney Docket No.	BGN-A013CN

**Complete if Known**

Application Number	10/003,211-Conf. #6970
Filing Date	October 31, 2001
First Named Inventor	Jeffrey L. BROWNING
Examiner Name	Christopher H. Yaen
Art Unit	1643

<b>METHOD OF PAYMENT</b> (check all that apply)				
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**FEES CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

<u>Application Type</u>	<u>FILING FEES</u>		<u>SEARCH FEES</u>		<u>EXAMINATION FEES</u>		<u>Fees Paid (\$)</u>
	<u>Fee (\$)</u>	<u>Small Entity</u>	<u>Fee (\$)</u>	<u>Small Entity</u>	<u>Fee (\$)</u>	<u>Small Entity</u>	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES****Fee Description**

Each claim over 20 (including Reissues)

<u>Small Entity</u>	
<u>Fee (\$)</u>	<u>Fee (\$)</u>

50 25

Each independent claim over 3 (including Reissues)

200 100

Multiple dependent claims

360 180

<u>Total Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
- - -	- - -	- - -	- - -

<u>Multiple Dependent Claims</u>	
<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>

<u>HP = highest number of total claims paid for, if greater than 20.</u>			
<u>Indep. Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
- - -	- - -	- - -	- - -

HP = highest number of independent claims paid for, if greater than 3.

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(c)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each additional 50 or fraction thereof</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
- - -	- - -	/50 =	(round up to a whole number) x	- - -

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**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

130.00

Other (e.g., late filing surcharge): 1814 Statutory Disclaimer

<b>SUBMITTED BY</b>	
Signature	Registration No. (Attorney/Agent)
Name (Print/Type)	Telephone
Cristin E. Howley, Ph.D. (617) 994-0796	
Date August 16, 2007	

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Dated: August 16, 2007

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AUG 16 2007

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**DATE:** August 16, 2007**PTO IDENTIFIER:** Application Number 10/003,211-Conf. #6970  
Patent Number**Inventor:** Jeffrey L. BROWNING**MESSAGE TO:** US Patent and Trademark Office**FAX NUMBER:** (571) 273-8300**FROM:** LAHIVE & COCKFIELD, LLP  
Cristin E. Howley, Ph.D.**PHONE:** (617) 994-0796**Attorney Dkt. #:** BGN-A013CN**PAGES (Including Cover Sheet):** 8**CONTENTS:** Transmittal (1 page)  
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TRANSMITTAL FORM  (to be used for all correspondence after initial filing)	Application Number	10/003,211-Conf. #6970
	Filing Date	October 31, 2001
	First Named Inventor	Jeffrey L. BROWNING
	Art Unit	1643
	Examiner Name	Christopher H. Yaen
Total Number of Pages in This Submission		Attorney Docket Number BGN-A013CN

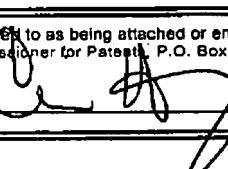
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<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input checked="" type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  Submission of Terminal Disclaimer and Certificate of Fax Transmittal
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<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
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